



UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Michael R. KLING
Serial No.: 10/800,500
Filed: March 15, 2004
Title: Reflector Lamp With Reduced Seal Temperature
Examiner: Zahra I. Bennett
Group Art Unit: 2875

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(A)

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Commissioner for Patents
P.O. Box 1450
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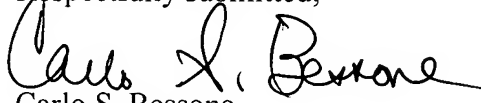
Dear Sir:

COVER LETTER

Enclosed are three copies of an Appeal Brief in the above-entitled application which is submitted in response to the Final Rejection dated December 28, 2005 wherein all the claims then of record (claims 1-4) were finally rejected. A Notice of Appeal was filed on March 30, 2006, together with an authorization to charge the appeal fee to a specified Deposit Account. Pursuant to 37 CFR 1.192, this Appeal Brief is filed in triplicate within two months of the date of filing said Notice of Appeal.

The additional fee of \$500 for filing this Brief in Support of an Appeal under Fee Code 1402 should be charged to Deposit Account No. 15-0685.

Respectfully submitted,


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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES-----
Ex parte Michael R. KLING

APPLICATION FOR PATENT

Serial No.: 10/800,500
Filed: March 15, 2004
Title: Reflector Lamp With Reduced
Seal Temperature
Examiner: Zahra I. Bennett
Group Art Unit: 2875

BRIEF ON APPEAL

This Appeal Brief is submitted in response to the Office Action dated December 28, 2005 wherein all the claims then of record (Claims 1-4) were finally rejected. A Notice of Appeal was filed on March 30, 2006, together with an authorization to charge the appeal fee to a specified Deposit Account. Pursuant to 37 CFR 1.192, this Appeal Brief in support of the appeal is filed in triplicate within two months of the date of filing said Notice of Appeal.

(I) REAL PARTY IN INTEREST

The real party in interest in the above-identified application is OSRAM SYLVANIA INC.

(II) RELATED APPEALS AND INTERFERENCES

It is believed that there are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(III) STATUS OF CLAIMS

Claims 1-4 have been rejected and are herein appealed. These claims are delineated in the Appendix attached hereto.

(IV) STATUS OF AMENDMENTS

No amendment has been filed subsequent to final rejection.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

With particular reference to page 6, lines 1- 26 and FIGS. 1-2, Claim 1 defines a lamp assembly 10 comprising: a light source 12 including a capsule 12a having two sealed electrodes 14, 16, sealed in a seal area 17 and defining a lamp axis 18 and sealed in a light transmissive jacket 12b. A concave shell 20 has an internal surface 22 with a reflective surface 23 formed thereon. The concave shell 20 has a neck 24 with an open bottom 24a defining a neck cavity 26 and a reflector axis 28. The jacket 12b is provided with an electrical connection 30 and a mechanical support 30a for the capsule 12a. The shell 20 surrounds the source

12 to reflect light from the source 12 to a field to be illuminated during lamp operation. The source 12 and the reflector surface 23 are oriented with the lamp axis 18 to be substantially co-axial with the reflector axis 28, and at least a portion of at least one of the electrodes, for example, 14, extends into the neck cavity 26. A zone 32 is formed in the neck cavity 26 for substantially redirecting specular reflection away from the seal area. The zone 32 terminates adjacent the open bottom 24a and an end 30b of the light transmissive jacket 12a is positioned in the open bottom 24a and fixed therein.

FIGS. 3 and 4 illustrate alternate embodiments wherein the neck cavity 26 can be provided with facets 34 or can be stippled, as at 36 as defined by dependent Claims 3 and 4, respectively.

(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1 and 3 are unpatentable under 35 U.S.C. 103 over Lapatovich in view of Jones .

Whether Claims 2 and 4 are unpatentable under 35 U.S.C. 103 over Lapatovich and Jones and further in view of Bergman.

(VII) ARGUMENT

CLAIMS 1 AND 3 ARE NOT OBVIOUS OVER LAPATOVICH ET AL IN VIEW OF JONES ET AL

According to the Final Office Action dated December 28, 2005, Claims 1-4 stand rejected under 35 U.S.C. 103 as being unpatentable over Lapatovich et al (Lapatovich) in view of Jones et al (Jones).

The Examiner is of the opinion that Lapatovich discloses a lamp assembly comprising a light source including a capsule having two sealed

electrodes sealed in a seal area and defining a lamp axis with the capsule being sealed in a light transmissive jacket. According to the Examiner, Lapatovich further teaches a concave shell having an internal surface with a reflective surface formed thereon, the shell having a neck defining a neck cavity and a reflector axis, the jacket being provided with an electrical connection and a mechanical support for the light source. According to the Examiner, a shell surrounding the source is reflecting light from the light source to a field to be illuminated during lamp operation. The source and the reflector being oriented with the lamp axis to be substantially co-axial with the reflector axis, and at least a portion of at least one of the electrodes extending in the neck cavity. According to the Examiner, Lapatovich further teaches a zone formed in the neck cavity for substantially redirecting specular reflection away from the seal area. The Examiner admits that Lapatovich fails to teach an open bottom.

Jones is cited by the Examiner as teaching a neck cavity with an open bottom and that the zone terminates adjacent the open bottom, and an end of the light transmissive jacket positioned in the open bottom.

The Examiner concludes that it would have been obvious to one of ordinary skill at the time of the invention to include an open bottom on the neck cavity of Lapatovich as taught by Jones for the benefit of using a filler to retain the position of the lamp and afford a better seal.

This rejection is respectfully traversed and reversal thereof by this Honorable Board is respectfully requested. Appellants respectfully submit that the patent of Lapatovich and Jones fail to teach or suggest the claimed invention.

Independent Claim 1 defines a lamp assembly comprising a light source including a capsule sealed in a light transmissive jacket and having two sealed electrodes sealed in a seal area and defining a lamp axis. The lamp assembly further includes a concave shell having an internal surface with a reflective surface formed thereon with the shell having a neck defining a neck cavity with an open bottom and a reflector axis. The jacket is provided with an electrical connection and a mechanical support for the light source. The shell surrounds the

source to reflect light from the source to a field to be illuminated during lamp operation, the source. The reflector is oriented with the lamp axis to be substantially co-axial with the reflector axis. At least a portion of at least one of the electrodes extends in the neck cavity. A zone is formed in the neck cavity for substantially redirecting specular reflection away from the seal area, the zone terminating adjacent the open bottom. An end of the light transmissive jacket is positioned in the open bottom.

The patent of Lapatovich teaches a lamp assembly comprising a light source 12 having two sealed electrodes 14, 16. A concave ceramic shell 20 having an internal reflective surface 22 surrounds the light source. The shell 20 further has a neck 24 defining a neck cavity 26 and a reflector axis 28. A closed bottom of the neck 24 is provided with an electrical connection 30 and a mechanical support for the light source 12.

The patent of Jones teaches in FIG. 4 a lamp-reflector assembly 8c comprising a tungsten filament lamp 10c supported by a reflector 23c. A ceramic cement 16c fixes lamp 10c into a base 24c of the reflector. The bottom portion of base 24c contains two electrical connection pins 14c. Two electrical connection pins 14c are positioned in the bottom of base 24c.

Appellants respectfully submit that the patents of Lapatovich and Jones clearly fail to teach or suggest a zone terminating adjacent an open bottom formed in a neck cavity for substantially redirecting specular reflection away from the seal area. Moreover, Lapatovich and Jones fail to teach or suggest positioning an end of a light transmissive jacket which surrounds a capsule in the open bottom of a reflector neck. Appellant is quick to point out that the lower end of the incandescent lamp of Jones is positioning in a neck cavity of the reflector.

Appellant respectfully submits that in view of the above, it is evident that the cited references lack proper teaching, suggestion, or motivation for modifying Lapatovich in the manner proposed by the Examiner. The only way the Examiner could have arrived at his conclusion is through hindsight analysis by reading into the art the teachings of the Appellant. Hindsight analysis is clearly improper,

since the statutory test is whether "the subject matter as a whole would have been obvious at the time the invention was made."

Additionally, even if one were to assume, *arguendo*, that one of ordinary skill in the art would have been led to the combination proposed by the Examiner, one would still not arrive at the instant invention because the resulting combination would not meet all of the limitations recited in independent Claim 1. For example, the proposed combination would not include a zone formed in the neck cavity and terminating adjacent the open bottom for substantially redirecting specular reflection away from the seal area. Moreover, the proposed combination would not include an end of a light transmissive jacket positioned in an open bottom.

Absent such teaching or suggestion, the invention as defined by independent Claim 1 is deemed fully patentable over the above references. Withdrawal of the rejection under 35 U.S.C. § 103 and allowance of independent Claim 1 is respectfully urged.

Claim 3 is dependent on independent Claim 1 and thus depends on subject matter deemed patentable. Allowance thereof is also urged.

CLAIMS 1 AND 3 ARE NOT OBVIOUS OVER LAPATOVICH ET AL
AND JONES ET AL AND FURTHER IN VIEW OF BERGMAN ET AL

Bergman et al (Bergman) fails to teach or suggest a zone terminating adjacent an open bottom of a neck region comprising a plurality of facets or closely spaced longitudinal grooves arrayed about the surface of neck cavity.

Moreover, Appellant notes that Bergman shows only a lamp envelope similar to that shown in Lapatovich with a closed bottom penetrated only by the ferrules 25 and 26. Further, Bergmans teaches nothing about reducing the temperature in a seal area and teaches only how to add additional reflected illumination from the neck area to the overall illumination from the lamp. Neither do Bergman teach nor even suggest a jacketed capsule.

Also, Claims 2 and 4 are dependent on independent Claim 1 and thus depend on subject matter deemed patentable. Allowance thereof is also urged.

For the reasons and arguments presented above, Appellants submit that Claims 1-4 are deemed fully patentable over the referenced cited by the Examiner. Accordingly, reversal of the Examiner's rejection of Claims 1-4 under the provisions of 35 U.S.C. 103 by this Honorable Board is earnestly and respectfully requested.

Respectfully submitted,



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on May 30, 2006 by Carlo S. Bessone.

(VIII) CLAIMS APPENDIX

The following represent all of Appellant's claims on appeal:

1. A lamp assembly comprising:

a light source including a capsule having two sealed electrodes sealed in a seal area and defining a lamp axis, said capsule being sealed in a light transmissive jacket;

a concave shell having an internal surface with a reflective surface formed thereon, said shell having a neck defining a neck cavity with an open bottom and a reflector axis, said jacket being provided with an electrical connection and a mechanical support for said light source;

said shell surrounding said source to reflect light from said source to a field to be illuminated during lamp operation, said source and said reflector being oriented with said lamp axis to be substantially co-axial with said reflector axis, and at least a portion of at least one of said electrodes extending in said neck cavity; and

a zone formed in said neck cavity for substantially redirecting specular reflection away from said seal area, said zone terminating adjacent said open bottom, and an end of said light transmissive jacket being positioned in said open bottom.

2. The lamp assembly of Claim 1 wherein said zone comprises a plurality of facets arrayed about the surface of neck cavity.

3. The lamp assembly of Claim 1 wherein said zone comprises a stippled pattern arrayed about the surface of said neck cavity.

4. The lamp assembly of Claim 1 wherein said zone comprises a plurality of closely spaced longitudinal grooves arrayed about the surface of said neck cavity.

(IX) EVIDENCE APPENDIX

Item not relevant

(X) RELATED PROCEEDINGS APPENDIX

Item not relevant